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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,577	09/30/2003	Eugene C. Wanecski	63734.000002	1619

21967 7590 05/17/2004

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WASHINGTON, DC 20006-1109

EXAMINER

CAMPBELL, THOR S

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,577

Applicant(s)

WANECKSKI, EUGENE C

Examiner

Thor S. Campbell

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/30/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the room in which the water heater is installed and the room other than where the water heater is installed must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody (US 4805662) in view of Fritz (US 6318403).

Moody discloses a hot water heater system, comprising a hot water tank a hot water heater, a pressure relief device 16, a relief line which is engaged when the pressure relief device is activated. Moody does not explicitly disclose and an output device for providing indicia that the pressure relief device is activated. Moody does however disclose an output

Art Unit: 3742

device/alarm/display for indicating a detected water leak. Further Moody discloses the use of a solenoid valve to shut off the water supply in the event of a leakage. It is noted that the broadest interpretation of **display** is "to make evident" or "a clear sign or evidence" (*Webster's Collegiate 10th Ed.*)

Fritz discloses a drainage system for water heater leakage and pressure relief, wherein the pressure relief and water leakage drains are combined together. It would have been obvious to one of ordinary skill in the art at the time the invention was made, in view of Fritz, to modify the device of Moody to route the pressure relief line into the drain line ahead of the leakage collector 26 in order to provide an alarm for leakage and pressure relief conditions.

With respect to claim 6, one of ordinary skill in the art would find the motivation in the prior art to position the output device in a room other than the room in which the water heater is installed since it is suggested that the user needs to know about a potentially damaging water leak as soon as possible and since most water heaters are not located within the living area where the user would most likely be in the event of an overpressure water release.

Claims 10-18, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody and Fritz as applied to claims 1-5, 7-9, and 19-23 above, and further in view of Fulton et al. (US 3154248).

Moody in view of Fritz teach the claimed invention except for means for disrupting power to the heater in an overpressure condition. Fulton discloses a pressure and temperature relief valve for a water heater wherein the power to the heater is cut off in the event that over pressure is detected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Moody, in view of both Fritz and Fulton, to route

Art Unit: 3742

the pressure relief line into the drain line ahead of the leakage collector 26 in order to provide an alarm for leakage and pressure relief conditions and to provide a means for cutting the power to the heater in the event overpressure is detected as a further safety precaution.

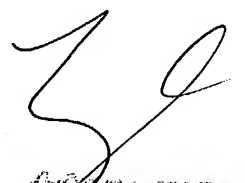
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patton (US 3961156) discloses a temperature and pressure relief valve for a water heater including a means to cut power to the heating element in the event of over-pressure or over-temperature conditions .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thor S. Campbell whose telephone number is 703-306-9042. The examiner can normally be reached on Tue-Fri 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Pothier can be reached on 703-308-0265. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TSC
5/13/04


THOR CAMPBELL
PATENT EXAMINER